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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/453,480 | 12/09/1999 | ROGER G. M. LUCASSEN | RANPP0305USA | 2696 |

23908 7590 12/18/2002

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EXAMINER

KIM, EUGENE LEE

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3721

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/453,480

Applicant(s)

LUCASSEN ET AL.

Examiner

Eugene Kim

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratzel (#5,713,825) in view of Johnson. Ratzel shows a biased damper 70 and a plurality of separators 75-77 in a dunnage conversion machine. Ratzel shows a pair of constant guide rollers 67, 68 but do not show two independent paths from the constant guide rollers as claimed. Johnson teaches the basic concept of having constant entry guide roller 26, 28, 30 to form independent paths from one another. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Ratzel with multiple path means as taught by Johnson to form more than one path to duplicate the manufacturing operation. The examiner notes that it has been held that a duplication of parts for a multiplied effect is entirely obvious. Since Ratzel shows one path, it would have been obvious to duplicate this path to multiply the effect to form two paths. See *St Regis Paper Co v. Bemis Co, Inc*, 193 USPQ 8, 11 (7th Cir. 1977).

2. Claims 4-7 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable *in view of Huston et al. E.R.* over Simmons (#5,569,146). Simmons shows a moving blade with a shutter means that moves with blade 72 to block the strip path in an extended position. The second blade is read on element 70. Simmons shows shutter means 73 in figure 5B2 that prevents movement of a cut end from moving behind moving blade 72 since the cut end is under moving blade 72 as shown in figure 5B2. Simmons does not specifically show the substantially blocking the path as claimed or the holder means as claimed. Huston et al show a cutting blade 40 mounted on a holder means 38 with shutter means on the side

of the blade as shown in figures 12-15. The sides of the blade or shutter means substantially block the path as claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Simmons with a mounting holder and shutter means as taught by Huston et al to provide for more stability in the cutting operation and to make sure nothing interferes with the cutting blade. The shutter means of Huston et al has a surface flush with an upstream surface of the moving blade wherein the blade is attached to the shutter means.

3. Applicant's arguments with respect to claims supra have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Kim whose telephone number is (703)308-1886. The examiner can normally be reached on Tuesday-Friday 7:30 a.m - 6:00 p.m.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.



Eugene Kim
December 17, 2002